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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,474	11/29/2001	Oscar A. Chappel	92717-322USPT	7788

7590 10/11/2006
Gary B. Solomon
Jenkins & Gilchrist, P.C.
3200 Fountain Place
1445 Ross Avenue
Dallas, TX 75202-2799

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,474

Applicant(s)

CHAPPEL ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office Action is in response to the communication received July 17, 2006.

Claims 1-10, and 29-37 are pending in the application.

Response to arguments

2. Applicant's arguments filed on July 17, 2006 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-10, 29-30, 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helzerman (U.S. Patent No. 6, 901,372) in view of Wright (US patent No. 6,581,040).

As per claims 1, 4-6, 29, 32-35, Helzerman discloses a method for developing and performing projects. In so doing, Helzerman discloses receiving the change proposal directed toward the project, the change proposal requesting at least one amendment to be performed to the project (receiving the project proposals, col. 4, lines 49-64), identifying, based on the at least one amendment request, at least one artifact of the project to be potentially affected upon the change

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proposal being adopted (col. 4, line 65 through col. 5, line 40), and generating at least one metric indicative of the potential effects on the project based on said identifying the at least one artifact (See Fig. 8, and col. 12, lines 59-66), the at least one metric providing an objective risk assessment to the client (col. 8, lines 11-28, and line 56-62).

Helzerman does not explicitly disclose the project being developed by the service provider such a contractor or a contractor. Wright in the same filed of endeavor discloses the concept of a project being developed by a service provider such as a contractor (col. 3, lines 57-64; col. 5, lines 1-16). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Helzerman to incorporate a project being developed by a service provider as evidenced by Wright with the motivation to manage and monitoring construction project communications.

As per claims 2 and 30, Helzerman further discloses wherein the at least one metric includes a statistical value (col. 9, lines 57-64).

Regarding claims 7-8, 36-37 the claimed features are standard practice of in project development and management. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features into Helzerman and Wright in order to allow for the timely and proper development and implementation of the project.

Claim 9 is a system for assessing risk on a project associated with a change proposal directed toward the project, the project being developed by a service provider for a client, said system comprising means for performing the steps of claim 1; therefore claim 9 is rejected under the same analysis relied upon of claim 1.

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Claim 10 is a computer-readable medium having stored thereon sequences of instructions, the sequences of instructions, when executed by a processor, causes the processor to perform the steps of claim 1; therefore claim 10 is rejected under the same analysis relied upon of claim 1.

5. Claims 3 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helzerman (U.S. Patent No. 6, 901,372) in view Wright (US patent No. 6,581,040) and further in view of Ali et al (The Production of Accurate Construction Cost Estimates in Saudi Arabia)

As per claims 3, and 31 the combination of Helzerman and Wright fails to explicitly disclose wherein said generating includes performing a regression analysis. Ali et al in the same field of endeavor disclose the concept of performing a regression analysis in project management environment. Note Pages 2 and 3 of Ali et al. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Helzerman, Wright to include the teachings of Ali et al in order to estimate the total project cost from multiple parameters.

Remarks

6. Applicants argue that the combination of Applicant respectfully submits that the combination of Helzerman, Wright, and Ali fails to the claimed invention. Applicants further supported their assertion by arguing that the combination of Helzerman, Wright, and Ali fails to teach identifying, based on at least one amendment request, at least one artifact of a project to be potentially affected upon a proposal being adopted, and generating at least one metric indicative of potential effects on the project based on identifying the at least one artifact, the at least one metric providing an objective risk assessment for the service provider to provide the client.

In response, the examiner respectfully disagrees because **Helzerman** teaches determining whether the recommended/selected proposal concept requires any new or emerging manufacturing technologies, processes or methodologies, or requires any existing manufacturing technologies, processes or methodologies for which major change, representing significant risk and further development is required for implementation, reviewing data to determine if information and measurables are available to complete a list of mandatory requirements, preparing concept proposals and completes a standard worksheet or form for each selected concept proposal, utilizing the worksheet to establish the resources and skills required, and more particularly, to determine the internal level of commitment and the organizational (internal and external) needs, and to select and identify resources to support the concept proposals. Helzerman further teaches a metric for identifying and documenting changes affecting the project records (Note col. 3, lines 63-67; col. 5, lines 22-41 and col. 12, lines 59-66). Helzerman further discloses customers assessing benefits and risks of proceeding with the project. Note col. 7, lines 47-59 of Helzerman. Applicants' arguments with regard to Wright is moot since Wright was not used for the features that the applicants are arguing.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Nicholas (PMP Certification Preparation and Review/Study Notes) discloses a study and preparation guide for the Project Management, which teaches all of the steps of applicants' claimed invention.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

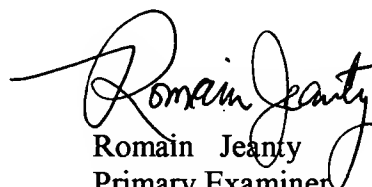
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 30, 2006



Romain Jeanty
Primary Examiner
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